

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 20, 2004 at 7:03 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Hillary Spitz presented the Christmas Parade Awards to: Closest to Theme category – WMCI, 1st place and 4-H Clovers, 2nd place; Religious category – Free Methodist Church; Entertainment category – Cedar City Motors, 1st place and State Farm Brian Fogarty Agency, 2nd place; Grand Prize – East Side Community Church.

Commissioner Schilling seconded by Commissioner Donnell moved to approve the minutes of the Regular Meeting held on January 6, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the reports of the Police Department for the month of November 2003, Fire Department for the month of December 2003 and year-end report for the Fire Department.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the bills for the first half of January.

Bills for the first half of January, 2004

General Fund

Bills		<u>\$ 148,968.51</u>
	Total	\$ 148,968.51

Hotel Tax Fund

Bills		<u>\$ 4,517.82</u>
	Total	\$ 4,517.82

Festival Management

Bills		<u>\$ 4,377.03</u>
	Total	\$ 4,377.03

Insurance & Tort Judgment

Bills		\$ 34,920.21
	Total	\$ 34,920.21
	<u>Capital Project</u>	
Bills		\$ 14,994.67
	Total	\$ 14,944.67
	<u>Water Fund</u>	
Bills		\$ 72,817.31
	Total	\$ 72,817.31
	<u>Sewer Fund</u>	
Bills		\$ 103,836.98
	Total	\$ 103,836.98
	<u>Cemetery Fund</u>	
Bills		\$ 1,343.93
	Total	\$ 1,343.93
	<u>Health Insurance</u>	
Bills		\$ 139,891.03
	Total	\$ 139,891.03
	<u>Motor Fuel Tax</u>	
Bills		\$ 17,896.07
	Total	\$ 17,896.07
	<u>Revolving Loan</u>	
Bills		\$ 1,040.00
	Total	\$ 1,040.00
	<u>Water Fund</u>	
Bills		\$ 50.19
		\$ 50.19

Mayor Carter opened the floor for discussion. No discussion.

Commissioner Schilling seconded by Commissioner Donnell moved to approve the bills for Mattoon HOME Housing Rehabilitation Project.

3011 Commercial	\$10,000	Finney Construction (Partial Const.)
2821 Cedar	\$10,000	Custom Windows & Siding (Partial Const.)
1216 Marshall	\$ 1,040	GEM Carpentry (Final Const.)
1216 Marshall	\$ 2,627	CCRP & DC (Project Delivery)

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to adopt Resolution 2004-2536, directing a public hearing to be held at 7:00 PM on February 17, 2004 on a proposed agreement for a land exchange whereby the City would exchange its parking lot real estate behind the stores north of Broadway Avenue in exchange for the real estate adjacent to the IC Railroad Depot (which would be developed as a public parking lot) and another parcel owned by the Municipality at Lake Paradise.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2536

**A RESOLUTION DIRECTING A PUBLIC HEARING ON A PROPOSED AGREEMENT FOR A
LAND EXCHANGE**

**BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY,
ILLINOIS:**

Section 1. A public hearing will be held at 7 PM on February 17, 2004 on a proposed agreement for a land exchange whereby the City would exchange its parking lot real estate behind the stores north of Broadway Avenue in exchange for the real estate adjacent to the IC Railroad Depot (which would be developed as a public parking lot) and another parcel owned by the municipality at Lake Paradise.

Section 2. The City Clerk is directed to give notice of this hearing as required by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Donnell, adopted this 20th day of January, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of January 2004.

/s/ David E. Carter

David

E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 21, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to adopt Special Ordinance 2004-1013, adopting and approving the Mattoon I-57 East Redevelopment Plan and Project of the City of Mattoon, Illinois, for the proposed Mattoon I-57 East Redevelopment Project Area.

SPECIAL ORDINANCE NO. 2004-1013

AN ORDINANCE ADOPTING AND APPROVING THE I-57 EAST REDEVELOPMENT PLAN AND PROJECT OF THE CITY OF MATTOON, ILLINOIS, FOR THE PROPOSED MATTOON I-57 EAST REDEVELOPMENT PROJECT AREA

WHEREAS, the City of Mattoon, Illinois (the **“Municipality”**), acting through its City Council (the **“Corporate Authorities”**) and other officers and representatives, has duly noticed, held and conducted all proceedings, including the required public hearing and joint review board action, preliminary to the designation of the “I-57 East Redevelopment Project Area” (the **“Redevelopment Project Area”**), the approval of the “City of Mattoon, Coles County, Illinois I-57 East TIF District Redevelopment Plan and Project” (the **“Redevelopment Plan”**) and the related redevelopment project, the **“Redevelopment Project”**) and the adoption of tax increment financing to finance the Redevelopment Plan and the Redevelopment Project, all under and pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, as supplemented and amended (the **“TIF Act”**)).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, as follows:

Section 1. Under the TIF Act the Municipality, hereby adopts and approves the Redevelopment Plan and the Redevelopment Project for the Redevelopment Project Area.

Section 2. The Redevelopment Plan shall be in the form presented to the Corporate Authorities at the time this ordinance is adopted. The Redevelopment Plan as so adopted and approved shall be on file with the City Clerk’s records with this ordinance (but any failure to so file it shall not abrogate, diminish or impair its effect).

Section 3. The Municipality by its City Council hereby finds and determines that there are fewer than 75 inhabited residential units within the Redevelopment Project Area.

Section 4. The City Clerk shall file a certified copy of this ordinance with the County Clerk of Coles County, Illinois, together with **(i)** the description of the Redevelopment Project Area, **(ii)** a map of the Redevelopment Project Area, and **(iii)** a list of each parcel or tax identification number of each parcel in the Redevelopment Project Area, with the County Clerk of Coles County, Illinois. Such County Clerk shall use the year **2003** in determining the total initial equalized assessed value of the Redevelopment Project Area under Section 11-74.4-9 of the TIF Act.

Upon motion by Mayor Carter, seconded by Commissioner Donnell, adopted this 20th day of January 2004 by roll call vote, as follows:

Voting “Aye” (names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling
Mayor Carter

Voting “Nay” (names): None

Absent (names): None

Attest: Approved: January 20, 2004

/s/ Susan J. O’Brien
City Clerk

/s/ David E. Carter
Mayor

Mayor Carter opened the floor for discussion. City Administrator Richard Underkofler requested communications be placed in the record from Barack, Ferrazzano, Kirschbaum, Perlman & Nagelberg, LLC signed by James R. Vogel and John W. Roberts, an affidavit of Richard Fanelli, and a letter signed by most of the hotel/motel owners in opposition to the I-57 TIF District.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1014, designating the City of Mattoon, Illinois Mattoon I-57 East Redevelopment Project Area.

SPECIAL ORDINANCE NO. 2004-1014

AN ORDINANCE DESIGNATING THE CITY OF MATTOON, ILLINOIS MATTOON I-57 EAST REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council of the City of Mattoon, Illinois (the “**Municipality**”) has adopted and approved the “City of Mattoon, Coles County, Illinois I-57 East Redevelopment Plan and Project,” and the related redevelopment project (the “**Redevelopment Plan**” and “**Redevelopment Project**”) for the Municipality’s proposed Mattoon I-57 East Redevelopment Project Area (the “**Redevelopment Project Area**,” as described in the attached Exhibit A) described in the Redevelopment Plan, and under the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, as supplemented and amended (the “**TIF Act**”)).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, as follows:

Section 1. The Municipality hereby designates the real estate described in the attached Exhibit A, “Mattoon I-57 East Redevelopment Project Area,” as a redevelopment project area under the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, as supplemented and amended), and as the Redevelopment Project Area hereunder.

Section 2. The City Clerk shall file a certified copy of this ordinance, together with (i) the

description of the Redevelopment Project Area, **(ii)** a map of the Redevelopment Project Area, and **(iii)** a list of each parcel or tax identification number of each parcel in the Redevelopment Project Area, with the County Clerk of Coles County, Illinois. Such County Clerk shall use the year **2003** in determining the total initial equalized assessed value of the Redevelopment Project Area under Section 11-74.4-9 of the TIF Act.

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 20th day of January, 2004 by roll call vote, as follows:

Voting "Aye" (names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

Voting "Nay" (names): None

Absent (names): None

Attest: Approved: January 20, 2004

/s/ Susan J. O'Brien
City Clerk

/s/ David E. Carter
Mayor

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1015, adopting Tax Increment Financing for the City of Mattoon, Illinois I-57 East Project Area.

SPECIAL ORDINANCE NO. 2004-1015

AN ORDINANCE ADOPTING TAX INCREMENT FINANCING FOR THE CITY OF MATTOON, ILLINOIS MATTOON I-57 EAST REDEVELOPMENT PROJECT AREA

WHEREAS, the City of Mattoon, Illinois (the "**Municipality**"), acting through its City Council (the "**Corporate Authorities**") and other officers and representatives, has duly noticed, held and conducted all proceedings, including the required public hearing and joint review board action, preliminary to the designation of the Mattoon I-57 East Redevelopment Project Area (the "**Redevelopment Project Area**," as described in the attached Exhibit A), the approval of the "City of Mattoon, Coles County, Illinois I-57 East Redevelopment Plan and Project" (the "**Redevelopment Plan**" and "**Redevelopment Project**") and the adoption of tax increment financing to finance the Redevelopment Plan and the Redevelopment Project, all under and pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, as supplemented and amended (the "**TIF Act**")).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, as follows:

Section 1. Findings. The Municipality, by its Corporate Authorities, hereby finds, as follows:

(1) The Redevelopment Project Area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan.

(2) The Redevelopment Plan and Project conform to the comprehensive plan for the development of the Municipality as a whole.

(3) The sound growth of the Redevelopment Project Area, which is vacant, is impaired by the following factor that (i) is present, with that presence documented, to a meaningful extent so that the Municipality hereby finds that the factor is clearly present within the intent of the TIF Act, and (ii) is reasonably distributed throughout the redevelopment project area: The Redevelopment Project Area, prior to its designation, is subject to surface water that discharges from all or a part of the Redevelopment Project Area and contributes to flooding within the same watershed, and the Redevelopment Project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

Section 2. Adopt Tax Increment Financing. Under the TIF Act, the Municipality hereby adopts, approves and authorizes the application of tax increment financing with respect to the Redevelopment Plan, Redevelopment Project and Redevelopment Project Area.

Section 3. Term. The Redevelopment Project Area, and the estimated dates of completion of the Redevelopment Project and the retirement of obligations issued to finance redevelopment project costs shall be not more than 23 years from the initial base date of the date of adoption of this ordinance (but shall be 24 years in connection therewith the Municipality's right under the TIF to receive the 23rd year of incremental property taxes by December 31 in the 24th year, i.e. **December 31, 2027**) from the adoption of the ordinance approving the Redevelopment Project Area.

Section 4. Incremental Taxes. The Municipality hereby adopts tax increment financing and directs that the ad valorem taxes, if any, arising from the levies upon taxable real property in the Redevelopment Project Area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 of the TIF Act each year after the effective date of this ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under the TIF Act have been paid shall be divided as follows:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Redevelopment Project Area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Redevelopment Project Area over and above the initial equalized assessed value of each property in the Redevelopment Project Area shall be allocated to and when collected shall be paid to the Municipality's treasurer who shall deposit such taxes into a special fund called the "**Special Tax Allocation Fund**" of the Municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

Section 5. Filing. The City Clerk shall file a certified copy of this ordinance with the County Clerk of Coles County, Illinois, and under the TIF Act shall obtain a certificate from such County Clerk as to the total initial equalized assessed value “**EAV**” of all taxable property in the Redevelopment Project Area. The City Clerk shall also file **(i)** the description of the Redevelopment Project Area, **(ii)** a map of the Redevelopment Project Area, and **(iii)** a list of each parcel or tax identification number of each parcel in the Redevelopment Project Area, with the County Clerk of Coles County, Illinois. In providing this certification, the County Clerk shall use the levy year **2003** in determining such total initial EAV.

Upon motion by Mayor Carter, seconded by Commissioner Gambill, adopted this 20th day of January, 2004 by roll call vote, as follows:

Voting “**Aye**” (names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

Voting “**Nay**” (names): None

Absent (names): None

Attest:

Approved: January 20, 2004

/s/ Susan J. O’Brien
City Clerk

/s/ David E. Carter
Mayor

Mayor Carter opened the floor for discussion. Wanda Ferguson spoke in opposition to the I-57 TIF District due to the recent School Taxing District increase, including a question with regard to the Enterprise Zone abatement of taxes for ten years. Bhupen Panchal of Charleston spoke in opposition, due to the possibility of the other hotels becoming “ghost” hotels. Edwin Wetzel spoke in opposition, because he felt the TIF District would adversely affect the other hotels and wouldn’t have all the incentives to invest. Jeanne Gustafson reported the ordinance passed in October of 2002 prohibited the Enterprise Zone from receiving tax abatements.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor signed and Clerk attested Special Ordinance 2004-1013, 2004-1014, 2004-1015.

Mayor Carter seconded by Commissioner Donnell moved to adopt Special Ordinance 2004-1016, adopting and approving Amendments in Connection with the City of Mattoon, Coles County, Illinois I-57 East Redevelopment Plan and Project for the Mattoon I-57 East Redevelopment Project Area.

SPECIAL ORDINANCE NO. 2004-1016

AN ORDINANCE ADOPTING AND APPROVING AMENDMENTS IN CONNECTION WITH THE CITY OF MATTOON, COLES COUNTY, ILLINOIS I-57 EAST REDEVELOPMENT PLAN AND PROJECT FOR THE MATTOON I-57 EAST REDEVELOPMENT PROJECT AREA

WHEREAS, the City of Mattoon, Illinois (the “**Municipality**”), acting through its City Council (the “**Corporate Authorities**”) and other officers and representatives, has duly noticed, held and conducted all

proceedings, including the required public hearing and joint review board action, preliminary to the designation of the “I-57 East Redevelopment Project Area” (the “**Redevelopment Project Area**”), the approval of the “City of Mattoon, Coles County, Illinois I-57 East Redevelopment Plan and Project” (the “**Redevelopment Plan**” (with respect to which undefined terms herein shall have the meanings therein) and the related redevelopment project, the “**Redevelopment Project**”) and the adoption of tax increment financing to finance the Redevelopment Plan and the Redevelopment Project, all under and pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, as supplemented and amended (the “**TIF Act**”)), which have been given effect by a series of three ordinances adopted prior to the consideration and adoption of this ordinance (collectively, the “**TIF Ordinances**”).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, as follows:

Section 1. The Municipality hereby supplements and amends the Eligibility Report, the Redevelopment Plan and the Redevelopment Project for the Redevelopment Project Area. The supplemental and amending provisions are as follows:

(a) References in the Redevelopment Plan and in the Eligibility Report to 244.31 acres as the size of the Redevelopment Project Area* are to be changed to “390 acres”.

*The 244.31 acres, taken from the County’s tax records, did not take into account public right-of-ways throughout the Redevelopment Project Area and omitted a parcel. The designation of the Redevelopment Project Area is not changing.

(b) The current maps of the Redevelopment Project Area in the Redevelopment Plan in Attachments II and 8 and in the Eligibility Report are to be conformed to the legal description, as attached to this ordinance.

(c) References in the Redevelopment Plan and in the Eligibility Report to Topa Farms Inc. as 289.24 acres is to be 86.96 acres and to Dexter N. Ashbrook as 40.73 acres is to be 48.85 acres, both based upon a typographical error and recently received survey information.

Section 2. This ordinance is adopted as a so-called “minor” amendment pursuant to the third sentence of subsection (c) of Section 11-74-4-5(c) of the TIF Act.

Section 3. Within 10 days of the adoption and approval of this ordinance, this ordinance shall be published in the *Journal Gazette*, a newspaper published and of general circulation within the Municipality, and a copy shall be duly mailed by certified mail (i) to each registrant on the interested parties registry with respect to the Redevelopment Project Area and (ii) to each taxing district with property constituting a part of the Redevelopment Project Area, which amendments are authorized under Section 11-74.4-5 of the TIF Act. This ordinance shall be effective upon its adoption, approval, mailed notices and publication and shall be filed with the TIF Ordinances with the Coles County Clerk. Upon being effective a certified copy of this ordinance shall be attached or otherwise appended to the Redevelopment Plan, provided that any failure to so attach or append shall not abrogate, diminish or impair the supplementing and amending effect of this ordinance.

Upon motion by Mayor Carter, seconded by Commissioner Donnell, adopted this 20th day of January, 2004 by roll call vote, as follows:

Voting “Aye” (names): Commissioner Donnell, Commissioner Gambill,

Commissioner Hesse, Commissioner Schilling,
Mayor Carter

Voting "Nay" (names): None
Absent (names): None

Attest:

Approved: January 20, 2004

/s/ Susan J. O'Brien
City Clerk

/s/ David E. Carter
Mayor

Mayor Carter opened the floor for discussion. John McHugh inquired as to any additional amendments to the acreage and maps conforming to the legal description. City Administrator Underkofler referred to the ones in the resolution as the amendments in connection with the redevelopment plan and project.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Mayor Carter moved to adopt Special Ordinance 2004-1017, revising the budget for the governmental and internal Service funds of the municipality for the fiscal year that ends April 30, 2004 based upon audited carry-forward fund balances and updated estimates of revenues and expenditures.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1017

AN ORDINANCE REVISING THE BUDGET FOR THE GOVERNMENTAL AND INTERNAL SERVICE FUNDS OF THE MUNICIPALITY FOR THE FISCAL YEAR THAT ENDS APRIL 30, 2004 BASED UPON AUDITED CARRY-FORWARD BALANCES, UPDATED ESTIMATES OF REVENUES AND EXPENDITURES

WHEREAS, Ordinance 2002-5101 adopted by the City Council on February 19, 2002 adopted enabling state statutes for an annual budget in lieu of an appropriation ordinance; and

WHEREAS, by Special Ordinance 2003-931 approved May 6, 2003, the City Council adopted a budget for its governmental and internal service funds of the municipality, and

WHEREAS, it is now necessary to revise the budget for these funds of the municipality based upon audited carry-forward balances, updated estimates of revenues and expenditures; and,

WHEREAS, the Council desires to take timely and appropriate strategic action to mitigate another projected deficit condition in the General Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Carry forward fund balances and updated estimates of revenues and expenditures shown in the budget spreadsheets dated January 16, 2004 (copies of which are attached and incorporated herein by reference) are hereby

adopted as the budget for the City of Mattoon's Governmental and Internal Service Funds for the fiscal year that began May 1, 2003 and ends April 30, 2004, but with the changes outlined in the following sections of this ordinance.

Section 2. The allocation of shared costs approved in the budget for the General Fund may be assumed in formulating revised budgets for the Water, Sewer and Cemetery Enterprise Funds to be subsequently considered and approved by the City Council.

Section 3. To the extent practical and possible, the Public Works Director is directed to shift labor pool assignments to the maintenance and repair of water and sewer facilities as compared to street maintenance for the remainder of this fiscal year.

~~Section 4. The City Treasurer is directed to make adjusting entries so that all street lighting and traffic control device expenditures incurred during the 2003/2004 fiscal year shall be reported as expenditures of the Motor Fuel Tax Fund, rather than the General Fund. The budget for the Motor Fuel Tax Fund for the fiscal year that ends April 30, 2004 is hereby revised as follows:~~

~~A.—Street lighting expenditures in the amount of \$130,000 are appropriated to expenditure account 121-5326-321, Ameren CIPS Services.—~~

~~B.—Street lighting expenditures in the amount of \$6,000 are appropriated to expenditure account 121-5326-322, Coles Moultrie Services.—~~

~~C.—Street lighting expenditures in the amount of \$5,000 are appropriated to expenditure account 121-5326-432, Repair of Structures.—~~

~~D.—Traffic control device expenditures in the amount of \$1,000 are appropriated to expenditure account 121-5327-356, Street Signs.—~~

~~E.—Traffic control device expenditures in the amount of \$6,000 are appropriated to expenditure account 121-5327-359, Street Marking Paint.—~~

~~F.—Traffic control device expenditures in the amount of \$10,000 are appropriated to expenditure account 121-5327-432, Repair of Structures.—~~

Section 5. The City Council hereby establishes a moratorium on hiring employees to replace employees who leave the active employment of the City where not barred by a collective bargaining agreement. Replacement employees may be hired only upon the affirmative vote of four (4) members of the City Council.

Section 6. The City Council hereby establishes a moratorium on discretionary merit salary increases for management and supervisory employees until a year-end audit report shows an increase in the unreserved fund balance of the General Fund.

Section 7. This ordinance shall be deemed published as of the day of its adoption and shall become effective upon its approval by the City Council.

Section 8. The City Clerk shall make and file with the Clerk of Coles County, a duly certified copy of this ordinance.

Upon motion by Commissioner Schilling, seconded by Mayor Carter, adopted this 20th day of January, 2004, by a roll call vote, as follows:

AYES

(Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS

(Names): None

ABSENT

(Names): None

APPROVED this 20th day of January 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 20, 2004.

Mayor Carter opened the floor for discussion. Commissioner Schilling seconded by Commissioner Donnell moved to amend Special Ordinance 2004-1017 by striking Section 4 of the ordinance.

Mayor Carter declared the motion to amend Special Ordinance 2004-1017 carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter declared the motion to approve the amended Special Ordinance 2004-1017 carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Donnell moved to adjourn to executive session to discuss matters that may lawfully be discussed in closed session at 7:27 p.m., pertaining to personnel, real estate or potential litigation, including appointment of Special Counsel to defend the City in the adjudication of an uninsured workers compensation claim; review performance appraisal reports for management employees Kim Leffler, City Treasurer & Finance Director; Beth Hettinger, Tourism Coordinator; Chris Hartbank, Water & Sewer Superintendent; Kurt Stretch, Park & Lake Superintendent; review of a proposed amendment to the Collective Bargaining Agreement with AFSCME Local 3821; review of Council Decision Request 2004-274.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Reconvened at 9:13 p.m.

Commissioner Donnell seconded by Commissioner Schilling moved to approve Council Decision Request 2004-274, authorizing the release of executive session minutes no longer regarded confidential (March 4, 2003 & October 21, 2003).

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to approve the appointment of Special Counsel Brett Taylor of Ronald Tulin Ltd. to defend the City in the adjudication of an uninsured workers compensation claim.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Annexation report from Wortman was presented on properties considered for annexation.

Commissioner Schilling seconded by Commissioner Gambill moved to adjourn at 9:17 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.